

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

IDENTITY SECURITY LLC,  
Plaintiff,  
v.  
APPLE INC.  
Defendant.

Civil Action No. 6:21-CV-460-ADA  
**Jury Trial Demanded**

**JOINT CLAIM CONSTRUCTION STATEMENT**

In accordance with the Court’s Standing Order Governing Proceedings – Patent Cases (Version 3.5.1) and the Scheduling Order in this case, the parties in the above-captioned action submit this Joint Claim Construction Statement.

**I. The Parties’ Disputes**

There are two disputes between the parties. The first dispute involves whether certain terms are subject to 35 U.S.C. § 112, ¶ 6 and/or are indefinite. Defendant Apple Inc. (“Apple”) submits that those terms are subject to 35 U.S.C. § 112, ¶ 6 and/or are indefinite. Plaintiff Identity Security LLC (“ISLLC”) submits that those terms are not subject to 35 U.S.C. § 112, ¶ 6, are not indefinite, and do not require construction beyond their “plain and ordinary meaning.” The second dispute involves terms that recite a “microprocessor identity.” Apple proposes constructions for those terms. ISLLC proposes that those terms do not require construction beyond their “plain and ordinary meaning.”

**A. Whether Certain Terms Are Subject to § 112, ¶ 6 and/or Are Indefinite.**

Claim Term	Plaintiff’s Construction	Defendants’ Construction
“the digital identity data is bound to the microprocessor identity by encrypting the digital	This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.	§ 112, ¶ 6 applies.  <u>Function:</u> “binding the digital identity data to the

<b>Claim Term</b>	<b>Plaintiff's Construction</b>	<b>Defendants' Construction</b>
identity data using an algorithm that uses the microprocessor identity” (’497 patent, claim 1)	Plain and ordinary meaning.	<p>microprocessor identity by encrypting the digital identity data using the microprocessor identity”</p> <p><u>Structure:</u> microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>
“the digital identity data is bound to the microprocessor identity device by encoding, using the microprocessor, the digital identity data using an algorithm that uses the microprocessor identity information” (’008 patent, claim 1)	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>§ 112, ¶ 6 applies.</p> <p><u>Function:</u> “binding the digital identity data to the microprocessor identity device by encoding the digital identity data using the microprocessor identity information”</p> <p><u>Structure:</u> microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>
“the digital identity data is bound to the microprocessor identity device using an encryption algorithm and the microprocessor identity information” (’895 patent, claim 5)	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>112, ¶ 6 applies.</p> <p><u>Function:</u> “binding the digital identity data to the microprocessor identity device by encrypting the digital identity data using the microprocessor identity information”</p> <p><u>Structure:</u> microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>

<b>Claim Term</b>	<b>Plaintiff's Construction</b>	<b>Defendants' Construction</b>
<p>“the digital identity data is bound to the microprocessor by encrypting, using the microprocessor, the digital identity data using an algorithm that uses the microprocessor identity information”</p> <p>(’948 patent, claim 1)</p>	<p>This phrase is not subject to either paragraph 2 or 6 of 35 U.S.C. § 112.</p> <p>Plain and ordinary meaning.</p>	<p>§ 112, ¶ 6 applies.</p> <p><u>Function:</u> “binding the digital identity data to the microprocessor by encrypting the digital identity data using the microprocessor identity information”</p> <p><u>Structure:</u> microprocessor, e.g., Fig. 4, Fig. 6 (405, 605); no algorithm disclosed; indefinite.</p> <p>Alternatively, to the extent §112, ¶ 6 does not apply: indefinite.</p>

## B. Terms That Recite A “Microprocessor Identity.”

<b>Claim Term</b>	<b>Plaintiff's Construction</b>	<b>Defendants' Construction</b>
<p>“microprocessor identity that uniquely identifies the microprocessor”</p> <p>(’497 patent, claim 1)</p>	Plain and ordinary meaning.	“identifier that uniquely identifies the microprocessor and that does not change once assigned”
<p>“microprocessor identity information uniquely identifies the microprocessor”</p> <p>(’948 patent, claim 1)</p>	Plain and ordinary meaning.	“identifier that uniquely identifies the microprocessor and that does not change once assigned”
<p>“microprocessor identity information that uniquely identifies the microprocessor identity device”</p> <p>(’008 patent, claim 1; ’895 patent, claim 5)</p>	Plain and ordinary meaning.	“identifier that uniquely identifies the microprocessor identity device and that does not change once assigned”

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